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SUBJECT: AUSTRIA: EU "BLUE CARD" FACES HURDLES

11. (U) Summary: The EU in October passed the European Pact on Immigration and Asylum, which would establish a "Blue Card" allowing skilled workers to fill jobs in the EU states, while also requiring EU members to provide development assistance to source countries of illegal migration to Europe. The Pact is not legally binding, and it will be up to individual states to determine the content and timing of implementation legislation. Political and economic obstacles are likely to delay implementation of the Pact in Austria, but in the long run the effort could deliver benefits for both migrant workers and EU states, while bringing some needed order to EU migration policy. End Summary.

12. (U) The European Pact on Migration and Asylum, approved in October, includes plans to prevent illegal migration, while emphasizing human rights. There is a particular focus on abuses committed by some employers who hire illegal migrants, along with a commitment by the EU to providing greater assistance aimed at improving living conditions in the source countries of illegal immigration to Europe.

13. (U) The pact also takes an important step toward regulating migration and creating a Union-wide program to direct skilled workers from outside the EU into country-specific, designated fields. This is accomplished by creating the European Blue Card, which would enable citizens from outside the EU to apply for specific work in a specific EU country. The recipient of the Blue Card could then live in that country for a designated period of time along with his or her family. Walter Rochel, MFA Office Director for Integration Policy, told us Blue Card holders would have the option to extend the time period.

#### Potential Problems for Austria

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14. (U) Because the pact is not legally binding, member states must pass enabling legislation to put the measure into effect, meaning that implementation is likely to vary among EU states. During our discussion with Rochel, a number of potential implementation problems became clear. A Blue Card holder would be allowed to move to an EU country to work, and could also bring his family. This would require participating governments to define which family members would be eligible to accompany a Card holder. Rochel told us the GOA would, as a rule, include members of the applicant's nuclear family, but not, for example, parents of the applicant, though exceptions could possibly be made in cases in which the parents were dependents of the Card holder. Rochel said the MFA would handle applications on a case-by-case basis.

15. (U) Reviewing applications will also require a significant amount of funding and manpower from the GOA. It will require GOA officials to make judgments on an array of complex family issues. For example, a child of a Card holder in an EU country would in most cases have to return to his/her country of origin upon turning 18, since adult children are not

automatically entitled to residency rights. Rochel explained, however, that the Pact provides some leeway for authorities to make exceptions and allow children of Card holders to remain past their 18th birthdays. With GOA officials making decisions on such issues, there would potentially be perceptions of bias or inconsistency, Rochel acknowledged.

#### Passing Legislation Will Be Difficult

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¶6. (U) The Pact is vague in setting deadlines for states to implement the Card, and Rochel indicated to us that the GOA is not likely to adopt implementing legislation in the near future. However, he averred that since EU heads of government had endorsed the Pact, member states would ultimately have to implement it to avoid being called out by the European Commission for failing to fulfill their commitments.

¶7. (U) Christian Passin, Director for South-East Europe at the Political Academy of the Austrian People's Party, suggested that implementation of the Pact could be delayed, just as the right of free movement for workers from new EU members Romania and Bulgaria to most other EU countries was delayed. Though Romania and Bulgaria joined the EU in 2007, their citizens will not be entitled to full freedom of movement rights within the EU until 2010. The delay was intended to allow time for the new members to adopt reforms related to human rights and other issues. Passin noted that there is an option to lengthen that time period even further, and he hinted that Austria would likely be in favor of an extension. If that occurs, the EU Blue Card would certainly

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have to be postponed, because it would be politically unacceptable to allow Card holders greater freedom of movement than citizens of two EU member states, he said.

#### Impact of Economic Crisis

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¶8. (U) The provisions of the Blue Card were developed before the current economic crisis. As a consequence of that crisis, argued Rochel, it may be more difficult to move forward on the Blue Card for the time being, since there are now fewer job openings and more Austrians (and other Europeans) searching for work. As with other steps in the development of the EU, this pact can best be implemented when the European economies are experiencing stable growth.

#### COMMENT: Result Should be Worth the Wait

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¶9. (U) Though the Pact lays out a framework for countries to use when developing national legislation, it leaves many questions open to debate. The new GOA, faced with the economic crisis, will not be eager to delve into the time-consuming task of implementing the Blue Card. As with many milestones on the road to EU development, the Blue Card may be slow in coming, and may not function smoothly at first, but it holds the promise of improvement over the status quo.

GIRARD-DICARLO